



## United States Patent and Trademark Office

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/857,153	05/31/2001	Klaus David Gradischnig	P01,0183	9116
26371	7590 10/27/2004		EXAMINER	
FOLEY & L			LIN, KE	NNY S
777 EAST W SUITE 3800	ISCONSIN AVENUE		ART UNIT	PAPER NUMBER
	MILWAUKEE, WI 53202-5308		2154	
			DATE MAILED: 10/27/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

1)⊠ Responsive to communication(s) filed on 5/28/02.  2a)□ This action is FINAL. 2b)⊠ This action is non-final.  3)□ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)☑ Claim(s) 1-4 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5)□ Claim(s) is/are allowed. 6)☑ Claim(s) is/are allowed. 6)☑ Claim(s) is/are objected to. 8)□ Claim(s) is/are objected to. 8)□ Claim(s) is/are objected to. 8)□ The specification is objected to by the Examiner. 10)□ The drawing(s) filed on is/are: a)□ accepted or b)□ objected to by the Examiner. Application Papers  9)□ The specification is objected to by the Examiner. 10)□ The drawing(s) filed on is/are: a)□ accepted or b)□ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11)□ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12)☑ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a)☑ All b)□ Some * ○□ None of: 1.☑ Certified copies of the priority documents have been received. 2.□ Certified copies of the priority documents have been received in Application No 3.□ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  *See the attached detailed Office action for a list of the certified copies not received.		Application No.	Applicant(s)					
Status   S	Office Action Summers	09/857,153	GRADISCHNIG ET AL.					
- The MALING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ③ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Edimenture of the many be available under the processor add 57 CRT 1.136(a). In no event, however, may a reply be smelly filled in the period for reply specified above is less than thiny (20) days, a upply within the statutory minimum of thiny (20) days will be considered timely.  If the period for reply specified above is less than thiny (20) days, a upply within the statutory minimum of thiny (20) days will be considered timely.  If the period for reply specified above is less than thiny (20) days, a upply within the statutory minimum of thiny (20) days will be considered timely.  If the period for reply specified above is less than thiny (20) days, a upply within the statutory minimum of thiny (20) days will be considered in the communication of the period of the score adhabition to be considered timely.  If the period for reply specified above is less than this period days and the specified and of the score adhabition to be considered timely.  If the period for reply specified above is less than this period days and the specified and the score adhabition to be considered timely.  If the period for reply specified above is less than this period days and the specified and the score and the	Office Action Summary	Examiner	Art Unit					
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12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a)  All b)  Some * c) None of:  1.  Certified copies of the priority documents have been received.  2.  Certified copies of the priority documents have been received in Application No  3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1)  Notice of References Cited (PTO-892)  2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	11)∐ The oath or declaration is objected to by the Ex	aminer. Note the attached Offic	e Action or form PTO-152.					
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	3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	5) 🔲 Notice of Informal						

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## DETAILED ACTION

1. Claims 1-4 are presented for examination.

## Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 3. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Garrabrant et al (hereinafter Garrabrant), US 5,610,595.
- 4. Garrabrant was cited by the applicant in IDS dated 5/31/2001.
- 5. As per claim 1, Garrabrant et al taught the invention as claimed including a method of secure data transmission which is executed on a layer basis using a transmission method having possible message overhaul, comprising the steps of:
  - a. Specially marking a message which is already being transmitted for at least a second time by said transmitter (col.6, lines 58-64); and
  - b. Ignoring said message which is marked as having been transmitted for at least a second time by a receiver if it recognizes said message as having already been

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received or if it interprets said message as a new message (col.8, lines 62-67, col.9, lines 1-8, 27-31).

- 6. As per claim 2, Garrabrant et al taught the invention as claimed including a method of secure data transmission wherein a transmitter protocol operates on a layer basis using a transmitter protocol having possible message overhaul, comprising the steps of:
  - a. specially marking, by said transmitter protocol, a message which is already being transmitted for at least a second time (col.6, lines 58-64, col.9, lines 20-35).
- 7. As per claim 3, Garrabrant et al taught the invention as claimed including a method of secure data transmission wherein a receiver protocol operates on a layer basis using a receiver protocol having possible message overhaul, comprising the steps of:
  - a. Ignoring, by said receiver protocol, a message which is marked as having been transmitted at least for a second time if it recognizes the message as having already been received or if it interprets said message as a new message (col.8, lines 62-67, col.9, lines 1-8, 27-31).
- As per claim 4, Garrabrant et al taught the invention as claimed including a method of secure data transmission wherein a receiver protocol operates on a layer basis using a receiver protocol having possible message overhaul, comprising the steps of:
  - a. Ignoring, by said receiver protocol, a message if it recognizes said message as having already been received or if, although it interprets said message as a new

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message, said message is situated outside of a prescribed window (col.8, lines 62-

67, col.9, lines 1-8, 21-31).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

Kari, US 6,563,825.

Murata, US 6,526,049.

10. A shortened statutory period for reply to this Office action is set to expire THREE

MONTHS from the mailing date of this action.

11. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Kenny Lin whose telephone number is (703) 305-0438 and will

be (571) 272-3968 after October 28, 2004. The examiner can normally be reached on 8 AM to 5

PM Tue.-Fri. and every other Monday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Follansbee can be reached on (703) 305-8498. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ksl

October 19, 2004

Wen-Jan T. 10/22/04